



IN THE DISTRICT COURT OF CLEVELAND COUNTY
STATE OF OKLAHOMA

STATE OF OKLAHOMA, ex rel.,)
MIKE HUNTER,)
ATTORNEY GENERAL OF OKLAHOMA,)

Plaintiff,)

vs.)

Case No.: CJ-2017-816
Judge Thad Balkman

- (1) PURDUE PHARMA L.P.;)
- (2) PURDUE PHARMA, INC.;)
- (3) THE PURDUE FREDERICK COMPANY;)
- (4) TEVA PHARMACEUTICALS USA, INC.;)
- (5) CEPHALON, INC.;)
- (6) JOHNSON & JOHNSON;)
- (7) JANSSEN PHARMACEUTICALS, INC:)
- (8) ORTHO-McNEIL-JANSSEN)
- PHARMACEUTICALS, INC., n/k/a)
- JANSSEN PHARMACEUTICALS)
- (9) JANSSEN PHARMACEUTICA, INC.,)
- n/k/a JANSSEN PHARMACEUTICALS, INC.;)
- (10) ALLERGAN, PLC, f/k/a ACTAVIS PLC,)
- f/k/a ACTAVIS, INC., f/k/a WATSON)
- PHARMACEUTICALS, INC.;)
- (11) WATSON LABORATORIES, INC.;)
- (12) ACTAVIS LLC; and)
- (13) ACTAVIS PHARMA, INC.,)
- f/k/a WATSON PHARMA, INC.,)

Defendants.)

STATE OF OKLAHOMA)
CLEVELAND COUNTY } S.S.
FILED

AUG 22 2018

In the office of the
Court Clerk MARILYN WILLIAMS

ORDER

COMES ON for consideration the request of The Oklahoma Publishing Company to place and use digital cameras in the courtroom during the trial of this matter. The Court has reviewed the letter of April 10, 2018, of Robert D. Nelon, on behalf of The Oklahoma Publishing Company; the letter of May 9, 2018, of Sanford C. Coats, on behalf of the several Defendants; and the letter of May 7, 2018, of the Honorable Mike Hunter, Attorney General of the State of Oklahoma.

The Court has reviewed the Oklahoma Code of Judicial Conduct, applicable case law, and other commentaries regarding the use of cameras in the courtroom. The Court is well aware of its authority and responsibility to provide all parties a fair and impartial trial, free of unwarranted interruption, delay, or distraction. See *In re Oklahoma Code of Judicial Conduct*, 2010 OK 90, 285 P.3d 1080; *Cities Service Co. v. Gulf Oil Corp.*, 1999 OK 16, 976 P.2d 545; 1981 OK AG 169.

Especially important to the Court is the Defendants' right to be tried by a fair and impartial jury. The Court is cognizant of the potential effect upon the presence of cameras upon jurors, witnesses, parties, and counsel. However, the Court must weigh any such concern with the importance of informing the public of judicial proceedings and the public interest in the subject matter of the proceedings.

"A trial is a public event. What transpires in the courtroom is public property...Those who see and hear what transpired can report it with impunity. There is no special perquisite of the judiciary which enables it, as distinguished from other institutions of democratic government, to suppress, edit, or censor events which transpire in proceedings before it." *Craig v. Harney*, 331 U.S. 367, 67 S.Ct. 1249, 91 L.Ed. 1546 (1947).

The provisions of a free press extend to both print and video media. Both are different methods to sustain the importance placed upon a free press by the Founders of the Republic. A print or Internet reporter can be present in the courtroom and formulate a story from notes. However, it is arguable that presentation of visual images and audio recordings of a trial present a more complete picture of the judicial proceedings, with the hope that the public's access to information is enhanced.

Unquestionably, the issues presented in this matter are of great importance to the citizens of Oklahoma. Therefore, the Court finds that digital video cameras may be present in the courtroom during the trial of this matter, subject to the Court's ruling in regard to a potential violation of privacy when, for example, a witness may testify of sensitive medical information. The Court shall, upon proper proof, terminate the use of said cameras during the pendency of the affected testimony or proceeding.

The Court will at all times govern the placement and use of cameras as not to interfere with or distract the participants or disturb the decorum of the courtroom. "The judge shall prescribe the conditions and specific rules under which such equipment may be used." *Oklahoma Code of Judicial Conduct*, 5 O.S. Chapter 1, Appendix 4, Canon 3, § B(10)(b).

The arrangements shall be made after consultation with the parties to preserve the dignity of the Court and to not interfere with the administration of justice. To accomplish this Bob Burke, attorney, of Oklahoma City is hereby appointed as special master to consult with the parties and recommend to the Court specific rules. The Court believes that modern technology allows the placement of digital cameras in a relatively discreet and unobtrusive fashion. It is the Court's hope that by expanding the trial audience beyond the limited seats in the courtroom, the professional proceedings will bolster public understanding and confidence in the judicial system.

IT IS SO ORDERED!


Thad Balkman, District Judge

CERTIFICATE OF SERVICE

This is to certify that on the 11 day of August, 2018, a true and correct copy of the above and foregoing instrument was emailed to the following:

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